

HAMPDEN TOWN COUNCIL SERVICES COMMITTEE MINUTES
MONDAY, JUNE 11, 2012

Attending:

Councilor Jean Lawlis	Councilor Jeremy Williams
Councilor Thomas Brann	Mayor Janet Hughes
Councilor Kristen Hornbrook	Town Manager Susan Lessard
Interested residents	Recreation Director Kurt Mathies
Josh Sargent – Pool Board Applicant	
Victoria Levesque – Pool Board Applicant	
Mike Jellison – Pool Board Applicant	
Sarah McVeigh – Pool Board Applicant	

The meeting was opened by Chairman Jean Lawlis at 6 p.m.

1. Minutes of 4/9/2012 – Motion by Mayor Hughes, seconded by Councilor Brann to approve the minutes. Vote 5-0.

Item 3A Appointments was moved to the top of the agenda so that the Committee could meet with Josh Sargent, Victoria Levesque, Mike Jellison, and Sarah McVeigh to discuss their interest in serving on the Lura Hoit Pool Board of Trustees. Candidates Levesque and Sargent were interviewed first. Both indicated that they were applying because they wanted to help the pool. Committee members asked questions related to their ability to attend meetings, and their interests in serving. Motion by Councilor Williams, seconded by Mayor Hughes to recommend to the Council appointment of both to the Pool Board of Trustees. Applicants McVeigh and Jellison answered similar questions from Committee Members and also discussed their interest in helping the Pool to move forward. Motion by Councilor Williams, seconded by Mayor Hughes to recommend to the Council the appointment of Sara McVeigh and Mike Jellison to the pool board of trustees. Vote 6-0. David Barrett did not attend the meeting. He has been a long-term member of the Library Board of Trustees and applied for reappointment to an additional term. Motion by Mayor Hughes, seconded by Councilor Brann to appoint David Barrett to the Library Board of trustees. Vote 5-1 (Hornbrook)

2. Old Business

- A. Outdoor Facilities Ordinance – referral from Council –
Chairman Lawlis explained that the Town Council had referred the draft ordinance back to the Committee for the purpose of discussing two issues – the provision related to animals on leash, and the provision related to the carry/discharge of weapons.

The first item discussed was the provision related to animals on leashes. The Town Manager presented

language to address concerns expressed about the language being too restrictive. It would replace the requirement that animals be on leash at all times when on all town property by changing the language from on leash to "under the owner's control" in section 5.9. Resident Bernie Philbrick questioned why the Town was putting animal regulations in this ordinance when there was already a state statute that deals with animals roaming at large. Chairman Lawlis explained that State Law deals with animals and private property and that the Town wanted to have some areas where animals could be off leash on public property – but other areas such as sports fields and playgrounds where they would need to be leashed. It was the consensus of the Committee that the proposed language would address the concerns raised by Councilor Lawlis.

The second item referred to the Committee was the carry/discharge provisions related to firearms. Since the questions were raised, the Town Attorney has provided information clarifying that the Town is pre-empted by State law from creating ordinances that limits the carry of firearms. The Town Manager provided clarifying language to add to section 5.2 that is also contained in the Town's Firearms Discharge Ordinance as follows: " 5.2.1 Exceptions – the foregoing prohibition on the discharge of firearms shall not apply to the firing or discharge of firearms at any military exercise or review; nor to any military personnel or law enforcement officers in the performance of their duties or authorized training; nor to any person in the lawful defense of his person, family, or property." A further clarification of language was made to remove the phrase 'other than law enforcement personnel' from section 5.2 since section 5.2.1 addressed the issue.

Residents Lisa Carter and Bernie Philbrook suggested that clarification in the language of the ordinance as to exactly what property it covered would be helpful. After some discussion, it was suggested that the definition of Outdoor Facility be changed to "any park, sports field, forest, wooded area, field, playground or other property for which the Town of Hampden is the deeded owner of record".

Other questions were asked relative to when the Outdoor Facilities Ordinance would be on the Council agenda again, whether a second public hearing would be required due to the language changes proposed, and whether language would be included in the ordinance that stated that its adoption would also repeal the Dorothea Dix Park Ordinance and the Papermill Road Recreation Area Ordinance. If the review on the 20th at the Special Services Committee meeting moves the ordinance forward, it will be included on the agenda of July 2nd for referral to another public hearing, unless it is determined that the changes made are not substantive enough to require one. The updated draft for the 20th will contain the repeal provisions for the other two questions.

There was also confusion expressed about the use of the term 'pocket parks'. Councilor Lawlis explained that the term was used as a shorthand way of describing the small parcels of land in subdivisions that had been deeded to the Town as part of subdivision approvals. Resident Bernie Philbrick suggested that it would be helpful to residents to be able to see a map showing all areas that would be covered by this ordinance. Since it is a snapshot in time, and town ownership of property may change, it was suggested that the map not be made part of the Outdoor Facilities Ordinance, but that it be provided as information when the revised draft ordinance goes back to the Services Committee before review by the Town Council. It was the consensus of the Committee that the revised language and the map should be reviewed by the Services Committee prior to sending it back to the Town Council. The Town Manager indicated that she could get the revisions done to the draft and ask the GIS/IT staff member for a map by the end of the week. A special Services Committee meeting for the purpose of reviewing the draft language as well as the map was scheduled for Wednesday, June 20th at 5:30 p.m. prior to the 6 p.m. Planning & Development Committee meeting.

- B. Outdoor Facilities Ordinance Licensing Agreement – maintenance of open space lots in subdivisions – The Committee reviewed the draft language provided by

Attorney Tom Russell. This would be used by the Town to cover liability resulting from permitting residents in a neighborhood or subdivision to maintain a town-owned lot. The Town Manager suggested that an item should be added that made it clear that even if a license for maintenance of a town-owned lot was granted to a neighborhood/association, it would still be available for use by all of the public – not just those living in that particular neighborhood or subdivision. Motion by Councilor Brann, seconded by Councilor Williams to forward the licensing agreement with the change as suggested to the full Council for ratification. Vote 3-0.

C. Subcommittee updates

Friends of Dorothea Dix Park – Recreation Director Kurt Mathies distributed a memo from the Friends of Dorothea Dix park that discussed their current work projects. He also indicated that they had requested a budget for equipment to do some work in the park. The recreation enterprise account has sufficient funds to purchase the equipment that is needed and it will then be available for other departments to use. He also indicated that a culvert was needed in a section of the upper trail. Councilor Williams offered to see if a local contractor would be willing to donate one.

D. Gold Dredging In Souadabscook Stream – Update – The Town Manager reported that GIS/IT Specialist Gretchen Heldmann had done a good deal of leg work to find out what the person interested in this activity would have to do. The Town cannot permit such activity on its own. The person needs to contact DEP first and then may also have to apply for other permits from the Army Corps of Engineers, Department of Marine Resources, and others. The Town has a list of numbers and contact information for the person interested. Resident William Shakespeare questioned how the Town could consider permitting it anyway since the stream in question is abutted on one side by Town property (Papermill Road Rec Area) and on the other by private property.

3. New Business

A. Appointments: (Applications included – New Applicants Invited)

1. Sarah McVeigh – Lura Hoit Pool – New Applicant
2. David Barrett – Edythe Dyer Library – Reappointment
3. Joshua Sargent – Lura Hoit Pool – New Applicant
4. Victoria Levesque – Lura Hoit Pool – New Applicant
5. Mike Jellison – Lura Hoit Pool – New Applicant

4. Public Comment –

Resident Cameo Dunton requested that the Committee consider working on the amendment of the two ordinances (Dorothea Dix Park and Papermill Road Recreation Area) that contain carry restrictions. She felt that it would be a good indication to the Town's residents that the Council was correcting them. It was explained that the proposed Outdoor Facilities Ordinance, when adopted, would replace both of those ordinances and that since the Outdoor Facilities Ordinance was very close to consideration for passage, it would not make sense to start the ordinance amendment process for two ordinances that would no longer be in existence. It was discussed that the Committee would have a better idea after the meeting of the 20th whether or not the Outdoor Facilities Ordinance would be moving forward. If not, then the Town should begin the amendment process for the two ordinances with the firearms carry restriction.

5. Committee Member Comments

Chairman Lawlis requested that the Papermill Road Recreation Area be put on the agenda for the July Meeting of the Services Committee

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Susan Lessard
Town Manager

Task Items:

1. Dorothea Dix Park harvesting & trails
2. Papermill Road Park Planning
3. HA Reuse
4. Pocket Parks
5. Rules for accepting land – fee in lieu
6. Open space plan
7. Parks Department
8. Sports Fields
9. Marina Area – Waterfront park
10. GIS/IT support